



# National Gazette

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[1995

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

## PROPOSED AMENDMENTS TO THE PROPOSED ORGANIC LAW ON PROVINCIAL GOVERNMENTS

THE Honourable the Shadow Minister for Village Services and Provincial Affairs and Member for Alotau Open Electorate, Iairo Lasaro, MP., proposes to move amendments to the Proposed Organic Law on Provincial Governments and Local-Level Governments pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and the Organic Laws*) of the Constitution, I, Rabbie Namaliu, the Speaker of the National Parliament, hereby publish the proposed amendments.

Date of: 28/02/1995

INDEPENDENT STATE OF PAPUA NEW GUINEA

## PROPOSED AMENDMENTS TO CLAUSES 4, 73, 97, 121 AND 124 OF THE PROPOSED ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS

Hon Iairo Lasaro, MP: To move—

### 1. Page 27—AMENDMENT TO CLAUSE 4

Delete Subclause (1) and substitute the following:—

"(1) The system of Provincial Governments established by this Organic Law applies to the government of the National Capital District and the provisions of this Organic Law relating to Provincial Governments apply to the National Capital District."

**2. PAGE 60 - AMENDMENT TO CLAUSE 73.**

Delete

(a) Subclause(2) and replace with the following:-

"(2) The National Executive Council -

(a) after considering a list comprising the names of three persons submitted by the Provincial Executive Council concerned; and

(b) after consultation with the Public Services Commission, shall by notice in the National Gazette, appoint from the list submitted under paragraph (1), the Provincial Administrator."

(b) Subclause (5) and replace with the following:-

"(5) An Act of the Parliament shall make provision for the selection criteria and procedures of appointment and for the terms and conditions of employment of the Provincial Administrators and the District Administrators."

**3. PAGE 73-AMENDMENT OF CLAUSE 97.**

Delete from Subclause (1) the words "as specified in Schedule 6."

**4. PAGE 89- AMENDMENT OF CLAUSE 121.**

In the definition of "previous Provincial Government" delete the words "for the purposes of Subdivision D"

**5. PAGE 90 - DELETION AND REPLACEMENT OF CLAUSE 124.**

Delete Clause 124 and replace it with the following:-

**"124 COMPOSITION OF INTERIM PROVINCIAL GOVERNMENTS"**


"(1) An Interim Provincial Government established under Section 123 which succeeds a previous Provincial Government shall comprise -

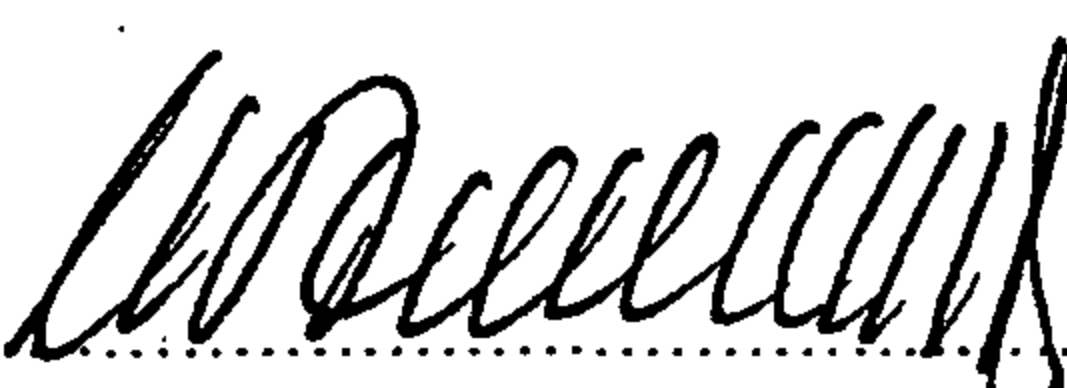
(a) all members of the National Parliament from that province; and

- (b) such number of members of the previous Provincial Government and heads of Local-level Governments selected in accordance with Subsection (2) and appointed by the Head of State acting on the advice of the National Executive Council; and
  - (c) three persons -
    - (i) from a list comprising not less than five names of persons submitted by the Provincial Executive Council concerned; and
    - (ii) appointed by the Head of State acting on the advice of the National Executive Council.
  - (d) the person occupying the office of Premier in the previous Provincial Government.
- (2) For the purposes Subsection (1) (b), where -
- (a) the members of the previous Provincial Government are heads of Local-level Governments, they shall be members of the Interim Provincial Government; and
  - (b) there are no Local-level Governments in an open electorate, or part of an open electorate, the Open Member shall, in consultation with the member of the Parliament representing the provincial electorate, select -
    - (i) such number from the members of the previous Provincial Government; and
    - (ii) any other person with high standing,from within that open electorate or part of that open electorate as the case may be, to be members of the Interim Provincial Government; and

- (c) there are Local-level Governments existing in an open electorate, and the members of the Previous Provincial Government are not heads of the Local-level Governments, the Open Member shall, in consultation with the member of the Parliament representing the provincial electorate, select such number from amongst the heads of Local-level Governments to be members of the Interim Provincial Government.
- (3) The member of the Parliament representing the provincial electorate who is not disqualified by virtue of Section 19 shall be the Interim Governor of the Province and Chairman of the Interim Provincial Assembly, unless he decides not to take up the position within 21 days from the date of the establishment of the Interim Provincial Assembly in which case the Assembly shall elect from among the other Members of Parliament an Interim Governor of the Province who shall also be the Chairman of the Interim Provincial Assembly.
- (4) In the event that the other members of Parliament referred to in Subsection (3) are disqualified by virtue of Section 19 or are otherwise unwilling or unable to take up the position of Interim Governor and Chairman of the Interim Provincial Assembly, the members of the Interim Provincial Assembly shall elect from among their members referred to in Subsection 1 (b), an Interim Governor of the Province who shall also be the Chairman of the Interim Provincial Assembly.
- (5) The Premier of the previous Provincial Government shall become the Interim Deputy Governor of the Province and the Interim Deputy Chairman unless he decides not to be a member within 21 days from the date of the establishment of the Interim Provincial Assembly in which case, the Interim Provincial Government shall elect the Interim Deputy Governor of the Province, who shall also be the Interim Deputy Chairman, from amongst the members referred to in Subsection (1) (b).
- (6) The total number of members of an Interim Provincial Government shall not exceed the total membership of the previous Provincial Government.
- (7) The remuneration, privileges and other benefits of office of the members of the Interim Government shall be as determined by the Salaries and Remuneration Commission.
- (8) The Interim Provincial Government shall determine its own procedures, quorums and number of meetings.

- (9) The Member of the Parliament representing the provincial electorate who holds a position mentioned in Section 19 (1) (b) may resign that position to become the Interim Governor and Chairman of the Interim Provincial Government."

MOVER:  27-3-95

SECONDER:  27-3-95  
HON VINCENT (TUBU)

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